

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

IN RE PHARMACEUTICAL INDUSTRY)	MDL NO. 1456
AVERAGE WHOLESALE PRICE)	
LITIGATION)	CIVIL ACTION NO. 01-CV-12257-PBS
)	
THIS DOCUMENTS RELATES TO)	Judge Patti B. Saris
01-CV-12257-PBS)	Chief Mag. Judge Marianne B. Bowler
)	

**ASTRAZENECA'S CROSS-MOTION FOR A PROTECTIVE ORDER RELATING TO
THE APRIL 2, 2004 AMENDED NOTICE OF RULE 30(B)(6) DEPOSITION**

Pursuant to Rule 26(c) of the Federal Rules of Civil Procedure, Defendant AstraZeneca Pharmaceuticals LP (“AstraZeneca”) hereby cross-moves for a protective order prohibiting Plaintiffs from requesting additional witnesses pursuant to the Amended Notice of Rule 30(b)(6) Deposition served on April 2, 2004 (the “Amended Notice”). AstraZeneca has already provided two witnesses who together provided sufficient testimony on all twenty areas of inquiry listed on the Notice in more than twelve hours of testimony. Plaintiffs’ request for additional witnesses relating to nearly half a dozen predecessor companies from more than ten years ago is unreasonably broad and unduly burdensome, particularly when Plaintiffs have demanded and received documents from that entire time frame. Accordingly, additional 30(b)(6) depositions pursuant to the Amended Notice would be an inappropriate method of further discovery and should be prohibited.

Respectfully submitted,

By: /s/ Lucy Fowler

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Dated: August 23, 2004

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing was delivered to all counsel of record by electronic service pursuant to Paragraph 11 of Case Management Order No. 2, by sending on August 23, 2004, a copy to Verilaw Technologies for posting and notification to all parties.

/s/ Lucy Fowler
Lucy Fowler

CERTIFICATION PURSUANT TO LOCAL RULE 7.1

Pursuant to Local Rule 7.1(A)(2), the undersigned certifies that counsel for defendants conferred with counsel for plaintiffs on this motion, and attempted in good faith to resolve or narrow the issue.

/s/ Lucy Fowler
Lucy Fowler